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2 **STATE OF WASHINGTON**  
3 **DEPARTMENT OF FINANCIAL INSTITUTIONS**  
4 **CONSUMER SERVICES DIVISION**

5 IN THE MATTER OF DETERMINING  
6 Whether there has been a violation of the  
7 Mortgage Broker Practices Act of Washington by:

8 FIDELITY MORTGAGE CORPORATION,  
9 and NICHOLAS HAINES, Vice President  
10 and Designated Broker, and SCOTT  
11 BRITTENHAM, President,

12 Respondents.

NO. C-03-172-05-CO02

CONSENT ORDER

NICHOLAS HAINES

13 COMES NOW the Director of the Department of Financial Institutions (Director), through his designee  
14 Chuck Cross, Division Director, Division of Consumer Services, and Nicholas Haines (Respondent Haines) by  
15 and through his attorney Greg Cavagnaro, and finding that the issues raised in the captioned matter may be  
16 economically and efficiently settled, agree to the entry of this Consent Order. This Consent Order is entered  
17 pursuant to chapter 19.146 of Revised Code of Washington (RCW), and RCW 34.05.060 of the Administrative  
18 Procedure Act, based on the following:

19 **AGREEMENT AND ORDER**

20 The Department of Financial Institutions, Division of Consumer Services (Department) and Respondent  
21 Haines have agreed upon a basis for resolution of the matters alleged in Statement of Charges No. C-03-172-04-  
22 SC01 (Statement of Charges), entered November 12, 2004, (copy attached hereto). Pursuant to chapter 19.146  
23 RCW, the Mortgage Broker Practices Act (Act) and RCW 34.05.060 of the Administrative Procedure Act,  
24 Respondent Haines hereby agrees to the Department's entry of this Consent Order and further agrees that the  
25 issues raised in the above captioned matter may be economically and efficiently settled by entry of this Consent  
Order. The parties intend this Consent Order to fully resolve the Statement of Charges as it pertains to  
Respondent Haines.

Based upon the foregoing:

CONSENT ORDER  
NICHOLAS HAINES

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DEPARTMENT OF FINANCIAL INSTITUTIONS  
DEPT. OF FINANCIAL INSTITUTIONS 150 Israel Rd SW  
OLYMPIA, WASHINGTON PO Box 41200  
Olympia, WA 98504-1200  
(360) 902-8703

1           A. **Jurisdiction.** It is AGREED that the Department has jurisdiction over the subject matter of the  
2 activities discussed herein.

3           B. **Waiver of Hearing.** It is AGREED that Respondent Haines has been informed of the right to a  
4 hearing before an administrative law judge, and that Respondent Haines has waived the right to a hearing and any  
5 and all administrative and judicial review of the issues raised in this matter, or of the resolution reached herein.  
6 Accordingly, Respondent Haines agrees to withdraw the appeal and to inform the Office of Administrative  
7 Hearings in writing of the withdrawal.

8           C. **Prohibition from Industry.** It is AGREED that Respondent Haines is prohibited from  
9 participating in the conduct of the affairs WITHIN THE STATE OF WASHINGTON OR ANY  
10 TRANSACTIONS INVOLVING REAL PROPERTY LOCATED IN THE STATE OF WASHINGTON of any  
11 mortgage broker licensed by the Department or any mortgage broker exempt from Washington law under RCW  
12 19.146.020(1)(d) or (f) for ten (10) years from the date of entry of this Consent Order in any capacity,  
13 including but not limited to: (1) any financial capacity whether active or passive or (2) as an officer, director,  
14 principal, designated broker, employee, or loan originator. IT IS AGREED THAT THIS PROVISION DOES  
15 NOT AFFECT RESPONDENT HAINES' ABILITY TO BE EMPLOYED BY A MORTGAGE BROKER  
16 LICENSED BY THE DEPARTMENT OR ANY MORTGAGE BROKER EXEMPT FROM WASHINGTON  
17 LAW WHICH OPERATES IN MULTIPLE STATES INCLUDING WASHINGTON SO LONG AS  
18 RESPONDENT HAINES COMPLIES WITH THE TERMS OF PROHIBITION RELATING TO THE  
19 AFFAIRS AND TRANSACTIONS WITHIN THE STATE OF WASHINGTON. IT IS FURTHER AGREED  
20 THAT THIS PROVISION DOES NOT PROHIBIT RESPONDENT HAINES FROM ACTING AS A LOAN  
21 ORIGINATOR OUTSIDE THE STATE OF WASHINGTON FOR TRANSACTIONS INVOLVING REAL  
22 PROPERTY LOCATED OUTSIDE THE STATE OF WASHINGTON.

23           D. **Application for Mortgage Broker License.** It is AGREED that Respondent Haines shall not apply  
24 to the Department for a mortgage broker license under any name for a period of ten (10) years from the date of  
25 entry of this Consent Order. It is further AGREED that, should Respondent Haines apply to the Department for a

1 mortgage broker license at any time later than ten (10) years from the date of entry of this Consent Order,  
2 Respondent Haines shall be required to meet any and all application requirements in effect at that time.

3       **E. Non-Compliance with Order.** It is AGREED that Respondent Haines understands that failure to  
4 abide by the terms and conditions of this Consent Order may result in further legal action by the Director. In  
5 the event of such legal action, Respondent Haines may be responsible to reimburse the Director for the cost  
6 incurred in pursuing such action, including but not limited to, attorney fees.

7       **F. Voluntarily Entered.** It is AGREED that the undersigned have voluntarily entered into this Consent  
8 Order, which is effective when signed by the Director's designee.

9       **G. Completely Read, Understood, and Agreed.** It is AGREED that the undersigned have read this  
10 Consent Order in its entirety and fully understand and agree to all of the same.

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1 **RESPONDENT:**

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4 NICHOLAS HAINES

11/4/05  
Date

7 GREG CAVAGNARO, WSBA No. 17644  
8 Attorney at Law  
9 Attorney for Respondent Haines

Date

11 DO NOT WRITE BELOW THIS LINE

12 THIS ORDER ENTERED THIS 16th DAY OF NOVEMBER, 2005.



CHUCK CROSS  
Director  
Division of Consumer Services  
Department of Financial Institutions

CONSENT ORDER  
NICHOLAS HAINES

1 **RESPONDENT:**

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4 **NICHOLAS HAINES**

11/4/05  
Date

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7 **GREG CAVAGNARO, WSBA No. 17644**  
8 **Attorney at Law**  
9 **Attorney for Respondent Haines**

11/4/05  
Date

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11 **DO NOT WRITE BELOW THIS LINE**

12 **THIS ORDER ENTERED THIS 16th DAY OF NOVEMBER, 2005.**



CHUCK CROSS  
Director  
Division of Consumer Services  
Department of Financial Institutions

CONSENT ORDER  
NICHOLAS HAINES

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PO Box 41200  
Olympia, WA 98504-1200  
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